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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 BILLY WILLINGHAM,   )
    a/k/a Remington LeBoe,   )
10   )   Case No.: C05-099-RSM
            Plaintiff,   )
11   )
            v.   )   SHOW CAUSE ORDER
12   )
    OFFICER PHILLIPS, et al.,   )
13   )
            Defendants.   )
14 _____   )

15   Plaintiff is proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983 civil

16 rights action. On August 22, 2005, after the dispositive motion deadline for this case had

17 passed, the Court issued an order directing the plaintiff to inform the court as to whether he

18 wished to continue his *pro se* status and directing defendants to show cause as to why counsel

19 should not be appointed. Dkt. No. 28. Neither party has timely responded to the order.

20   Additionally, there has been a long period of inactivity in this case. There have been

21 no filings by plaintiff since early May 2005 and none from defendants since late April 2005.

22 Moreover, it appears that the Court's correspondence to plaintiff, including its order of

23 August 22, 2005, has been returned by the King County Correctional Facility with the

24 notation "out." Dkt. No. 29. The Court therefore ORDERS as follows:

25   (1)   Plaintiff is directed to SHOW CAUSE as to why his case should not be

26 dismissed for failure to prosecute. Plaintiff has a duty to inform the Court of any changes in
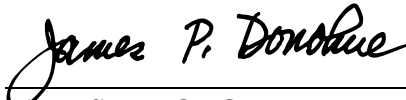
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01 his address. *See* CR. 41(b). Plaintiff shall inform the Court of his current address and

02 indicate whether he wishes to continue this action. Failure to do so may result in dismissal

03 without prejudice.

04   (2)   Defendants are ORDERED to inform the Court as to whether plaintiff is still

05 in state or local custody and, if so, what his current mailing address is.

06   (3)   The parties shall submit the above-referenced information **no later than**

07 **September 28, 2005**.

08   (4)   The Clerk is directed to send copies of this Order to plaintiff and to the

09 Honorable Ricardo S. Martinez.

10   DATED this 8th day of September, 2005.

11

12   *James P. Donohue*

13   JAMES P. DONOHUE

                    United States Magistrate Judge

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